

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/08/11 AT 9.00 AM**

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, P J Moore, R A Hordern, D E Wright, A J Brown and S M Meehan.

Paul Hickey (General Manager), Paul Busmanis (Civil Services Group), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic Services Group Manager) and Sandra Bailey (Secretary) were in attendance.

There were 25 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Nick Wheeler and Belinda Kehoe.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

Cr Jeff Johnson has been granted leave of absence.

4. Confirmation of Minutes

250811/ 1 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 July 2011.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr J Johnson

5. Declarations of Interest and Reportable Political Donations

Cr Silver – declared an interest in Item 9.2 – Farmers’ Markets. (Nature of Interest: non significant, non pecuniary – one of options is a market in Fawcett Park which is adjacent to a property his family owns. He will be remaining in the meeting while the matter is discussed and voting on the matter).

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There were no reportable political donations.

6. Deputations

- **Ralph Moss** - spoke in favour of the recommendation in Item 9.1 - LEP Amendment Request - Woolworths Oxygen (Masters).
- **Ralph Moss** - spoke in opposition to Item 10.10 - Porter Park - Lease Conditions.
- **Sue Hetherington** - spoke in relation to Item 11.1 - Telecommunications Facility - Basalt Court.
- **Craig Zerk** - spoke in favour of Item 13.1 - Rescission Motion - Shared Path - Lennox Head to Pat Morton.
- **Tony Pratt** - spoke in opposition to the recommendation in Item 9.1 - LEP Amendment Request - Woolworths Oxygen (Masters).
- **Col Draper** - spoke in favour of Item 9.2 - Farmers' Markets.
- **Katherine Emerton**, NSW Public Works on behalf Department of Family & Community Services - spoke in favour of Item 10.10 - Porter Park - Lease Conditions.

7. Mayoral Minutes

Nil items

13.1 Rescission Motion - Shared Path - Lennox Head to Pat Morton

A **Motion** was moved by Cr Peter Moore and seconded by Cr Susan Meehan.

That Resolution 280711/13 as follows be rescinded:

That the Council notes that the railing design for the Lennox Head Shared Path has been prepared consistent with the recognised guideline and that having regard to the advice of Council's insurer, the project continue in accordance with the prepared design.

The **Motion** was **LOST**.

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Meehan

AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

ABSENT. DID NOT VOTE - Cr J Johnson

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Susan Meehan.

1. That Council conduct workshops and on-site inspections for each of the stages of the coastal shared path and walkway.

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2. That the community be invited to participate in the process of consultation in reference to these workshops.

An **Amendment** was moved by Cr Peter Moore and seconded by Cr Susan Meehan

1. That Council conduct workshops and on-site inspections for each of the stages of the coastal shared path and walkway.
2. That the community be invited to participate in the process of consultation in reference to these workshops.
3. That a coastal landscape architect consultant be consulted as part of this process.

The **Amendment** was **LOST**.

FOR VOTE - Cr Moore, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

ABSENT. DID NOT VOTE - Cr J Johnson

250811/ 2 RESOLVED

(Cr Ben Smith)

That the Motion be put.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr J Johnson

The **Motion** was **CARRIED**, therefore it was

250811/ 3 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council conduct workshops and on-site inspections for each of the stages of the coastal shared path and walkway.
2. That the community be invited to participate in the process of consultation in reference to these workshops.

FOR VOTE - Cr Cadwallader, Cr Moore, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Brown

ABSENT. DID NOT VOTE - Cr J Johnson

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Adjournment

The Mayor declared the meeting adjourned at 11.05 am.

The meeting resumed at 11.35 am

11.1 Telecommunications Facility - Basalt Court

A **Motion** was moved by Cr Peter Moore

1. That the Council record its continued objection to the installation by Optus of a telecommunications facility at Basalt Court, Lennox Head, that Council takes legal action in respect to the work currently taking place.
2. That Council write to the relevant Federal Minister conveying our concerns that the current legislation should be amended to allow local councils the right to veto similar proposals into the future.

The **Motion LAPSED.**

250811/ 4 RESOLVED

(Cr Sharon Cadwallader /Cr David Wright)

1. That the Council record its continued objection to the installation by Optus of a telecommunications facility at Basalt Court, Lennox Head, however due to our legal advice confirming that we have no legal right of appeal, no legal action is to be taken in respect to the work currently taking place.
2. That Council write to the relevant Federal Minister conveying our concerns that the current legislation should be amended to allow local councils the right to veto similar proposals into the future.
3. That Council continue to respond to the community concerns and that if any matter is identified that enables Council to object or to cease the activity that Council will respond accordingly.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Smith

ABSENT. DID NOT VOTE - Cr J Johnson

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9.1 LEP Amendment Request - Woolworths Oxygen (Masters)

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Robyn Hordern.

That Council proceeds with the preparation of a Planning Proposal in relation to the concept for an Oxygen (Masters) Home Improvement Store on part of Lot 11 DP 1011575, Pacific Highway, West Ballina.

The **Motion** was **LOST**.

FOR VOTE - Cr Cadwallader, Cr Hordern, Cr Wright, Cr Brown
AGAINST VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Meehan
ABSENT. DID NOT VOTE - Cr J Johnson

250811/ 5 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That Council declines to proceed with the preparation of a Planning Proposal in relation to the concept for an Oxygen (Masters) Home Improvement Store on part of Lot 11 DP 1011575, Pacific Highway, West Ballina due to its inconsistency with planning for the locality, particularly the Far North Coast Regional Strategy and Council's West Ballina Structure Plan.

FOR VOTE - Cr Silver, Cr K Johnson, Cr Smith, Cr Moore, Cr Meehan
AGAINST VOTE Cr Cadwallader, Cr Hordern, Cr Wright, Cr Brown
ABSENT. DID NOT VOTE - Cr J Johnson

9.2 Farmers' Markets

A **Motion** was moved by Cr Alan Brown and seconded by Cr Sharon Cadwallader .

That Council approves the lodgement of a development application, for a weekly Sunday farmers' market on Crown Land adjacent to Kingsford Smith Drive, with a Councillor workshop to be held prior to lodgement to review the various options available for the site and that at least one representative of the stallholders participate in this workshop.

250811/ 6 RESOLVED

(Cr Keith Johnson)

That the motion be put.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr J Johnson

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The **Motion** was **CARRIED**, therefore it was

250811/ 7 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

That Council approves the lodgement of a development application, for a weekly Sunday farmers' market on Crown Land adjacent to Kingsford Smith Drive, with a Councillor workshop to be held prior to lodgement to review the various options available for the site and that at least one representative of the stallholders participate in this workshop.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr Silver, Cr Meehan

ABSENT. DID NOT VOTE - Cr J Johnson

250811/ 8 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council approves the establishment of a trial for a weekly twilight market at Fawcett Park to be held on Thursday afternoons/evenings beginning 29 December 2011 and continue until the end of daylight savings in 2012.
2. Council receive a further report concerning this proposal following an assessment of the availability/interest of potential stall holders, identification of a market co-ordinator and liaison with key stakeholders within the Ballina Town Centre.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Moore, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Silver

ABSENT. DID NOT VOTE - Cr J Johnson

12. Public Question Time

12.1 Jodi Fisher - Ballina Bar

Jodi Fisher – she is currently studying journalism and asked in relation to the capsizings on the Ballina Bar. Do you think this is dangerous enough to warrant action being taken and who is responsible for any action to be taken?

Cr Silver advised that Council believed it was important to improve the bar. The responsibility was on the State Government – being the Department of Transport (responsible for harbours and rivers) and the Department of Primary Industries (responsible for maritime issues and fisheries).

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The Mayor advised that correspondence has already been forwarded to the State Government.

The General Manager advised that this was included in Council's Operational Plan to actively pursue dredging work being carried out.

12.2 Fred Goodman - Lennox Head Shared Path

Fred Goodman – spoke in relation to the decision taken earlier today on the Lennox head Shared path. On the section which goes from the pathway to the Point, up to the Pat Morton car park, there is a very steep descent and going across it is the surfers' steps. Has the danger that is associated with the steepness and crossing of that surfers' steps been taken into consideration and is there provision for some sort of barrier which will prevent that very dangerous situation that will occur with speeding cyclists. Has provision been made to make that section a safe shared pathway?

Paul Busmanis advised that the current design does not have any physical barriers and it would rely on signage. This will also be considered as part of the workshops to be held.

12.3 Louise Owen - Shared Path fencing

Louise Owen – spoke about a prototype fence which she believed had been installed along Fawcett Park and after community opposition Council pulled it down. Why wasn't the same courtesy offered to the Lennox Head community?

The General Manager advised that no fence was erected at Fawcett Park and explained the difference between a walkway and a shared pathway.

Louise advised that John Truman had spoken about this prototype fence at a recent Lennox Head Residents Association meeting.

The General Manager advised that he would check with John Truman in relation to this alleged statement.

Paul Busmanis advised that there had been a photo montage prepared for Fawcett Park only.

12.4 Ralph Moss - Floodplain Management Plan

Ralph Moss – Floodplain Management Plan – when will this be considered by Council?

Paul Busmanis advised that it was work in progress which was getting close to conclusion.

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12.5 Louise Owen - Coast Road Landslip

Louise Owen – can we please have an update on the Coast Road landslip? When it is going to start and finish?

Paul Busmanis advised that the planning application has been submitted to Council and the funding application has been submitted to the RTA.

Adjournment

The Mayor declared the meeting adjourned at 1.19 pm.

The meeting resumed at 2.15 pm

(Cr Moore was not in attendance at this stage, having departed during the adjournment break)

10.8 Deferral of Development Contributions - Ferngrove

250811/ 9 RESOLVED

(Cr Alan Brown/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to negotiate a deferral of developer contributions with the developer of Ferngrove in accordance with the terms and conditions of the Deferral of Developer Contributions Policy.
2. The Council authorises the General Manager to negotiate a payment plan for the outstanding sewer works debt of \$107,000 based on a maximum 12 month repayment period.
3. That point one only be implemented if there is a link between the payment of the \$107,000 and the deferral of the developer contributions.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

8. Regulatory Services Group Reports

8.1 Development Applications - Work in Progress - August 2011

250811/ 10 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That Council notes the contents of the report on the status of outstanding development applications for August 2011.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

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8.2 Development Consent Statistics - July 2011

250811/ 11 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That Council notes the contents of the report on development consent statistics for 1 July 2011 to 31 July 2011.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

8.3 Voluntary 'Scores on Doors' Trial

250811/ 12 RESOLVED

(Cr Keith Johnson/Cr Susan Meehan)

That Council participate at a basic level in the "Scores on Doors" Scheme in conjunction with the NSW Food Authority. Minimal promotion would be carried out and businesses could approach Council if they wish to participate. Inspections would be carried out as per the current inspection schedule but in addition a 'star' rating would be assigned as per the program guidelines, reflecting their level of compliance and a certificate issued.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

9. Strategic & Community Services Group Reports

9.3 Coastal Zone Management Plan - Richmond River Estuary

250811/ 13 RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council adopts the draft Coastal Zone Management Plan for the Richmond River Estuary: Volume 1: Coastal Zone Management Plan and Volume 2: Estuary Management Study and that Richmond River County Council be advised accordingly.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

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9.4 Section 94 - Heavy Haulage Contributions Plan

250811/ 14 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council adopt the Draft Section 94 Heavy Haulage Contributions Plan 2011, as exhibited for public comment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10. General Manager's Group Reports

10.1 Use of Council Seal

250811/ 15 RESOLVED

(Cr David Wright/Cr Keith Johnson)

That Council affix the Common Seal to the following documents.

US11/19	<p>Crown Lease Agreement with The State of New South Wales for Lots 2, 5, 6, 7 & 8 DP 758047, River Street, Ballina known as Ballina Community Centre River Street Precinct. Lease No. RE 485718 for a term of 20 years commencing 04/09/11 and terminating 03/09/31.</p> <p>Note: Council has been negotiating with Department of Lands for a number of years regarding the terms of the Lease. The main conditions that have now been resolved include the term period, the rental amount and the rental rebate applicable. The term period is 20 years, the market rent has been set at \$92,000 and a 50% rebate is currently applicable to recognise the community use of the building. Numerous efforts by Council have not been able to reduce the amount of the lease.</p>
US11/20	<p>Administration Sheet - Plan of Subdivision for Lot 132 DP 1047320 - DA 2010/563 - Dedication of Council residual land to allow extension of Kays Lane, Wollongbar to create road frontage to Lot 121 DP 871897 owned by Newhais Pty Ltd (Russellton Industrial Estate). This dedication is part of Council's future planning for the Russellton Industrial Estate.</p>
US11/21	<p>Extinguishment of part 1(c) of Restriction on Use under Section 88 of the Conveyancing Act for Lot 2, DP 847691 - 49 Burns Point Ferry Road.</p> <p>Part 1(c) of the Restriction does not allow any fence erected on the subject land or any part thereof to have a height exceeding 1.525 metres. Some boundary fences are now required to be 1.8 metres in height.</p>

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.2 Investments Summary - July 2011

250811/ 16 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That Council notes the record of banking and investments for July 2011.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.3 Write Offs - Rates, Charges and Interest

250811/ 17 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the rates, charges, and interest written off under delegation of the General Manager for the 2010/11 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.4 Community Donations

250811/ 18 RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council approves the donation of the Council development application fees for the Ballina & District Equestrian Club's proposed Overnight Camping Approval and Land Fill applications. The estimated value of this donation is \$250.
2. That Council approves the donation of the floating of the marine truck to Lismore for the Ballina High School Marine Discovery Centre. The estimated value of this donation is \$360.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

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10.5 Legal Cases - Status

250811/ 19 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council notes the contents of the legal status report as at August 2011, including the final 2010/11 income and expense figures.
2. That Council pursue the matter of reimbursement of costs with the NSW State Government in relation to the fluoridation legal matter.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.6 Ballina Coastal Country Music Festival

250811/ 20 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council supports the change of applicant as part of the 2011/12 Festival and Event Support Program from Paradise FM Community Radio Inc to Ballina Coastal Country Music Festival Inc. for the 2011 Ballina Coastal Country Music Festival.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.7 Budgets Carried Forward and Reserve Movements

250811/ 21 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council approves the projects carried forward and reserve movements as outlined in tables one and two of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

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10.9 Richmond-Tweed Regional Library

250811/ 22 RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That this matter be deferred until comparative information is received on a County Council model and an in-house model.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

10.10 Porter Park - Lease Conditions

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Alan Brown.

1. That Council indicates its preference for the General Manager to commence negotiations on the lease for the proposed Aboriginal Child and Family Centre at Porter Park with the minimum lease conditions to include:
 - a) Term - Maximum of 21 years
 - b) Rental - \$30,000 (excluding GST) (representing 50% of an approximate commercial rate as typically applied by LPMA) with funds to be recommitted back to Porter Park.
 - c) Lessee - Responsible for all maintenance and capital works
 - d) Lessee - Responsible for all Council rates and charges
 - e) Lessee - Must comply with all Council resolved development consent conditions

2. Subject to agreement on the minimum conditions outlined in point one, Council authorises the General Manager to exhibit the proposed lease for public comment as required by the community land provisions of the Local Government Act.

An **Amendment** was moved by Cr David Wright and seconded by Cr Susan Meehan

1. That Council authorises the General Manager to commence negotiations on the lease for the proposed Aboriginal Child and Family Centre at Porter Park with the minimum lease conditions to include:
 - a. Term - Maximum of 21 years
 - b. Rental – Nil
 - c. Lessee - Responsible for all maintenance and capital works
 - d. Lessee - Responsible for all Council rates and charges
 - e. Lessee - Must comply with all Council resolved development consent conditions

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3. Subject to agreement on the minimum conditions outlined in point one, Council authorises the General Manager to exhibit the proposed lease for public comment as required by the community land provisions of the Local Government Act.

The **Amendment** was **CARRIED**.

The **Amendment** then became the **Motion**.

FOR VOTE - Cr Silver, Cr K Johnson, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr Cadwallader, Cr Smith, Cr Brown

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

An **Amendment** was moved by Cr Ben Smith

1. That Council authorises the General Manager to commence negotiations on the lease for the proposed Aboriginal Child and Family Centre at Porter Park with the minimum lease conditions to include:
- a. Term - Maximum of 5 years
 - b. Rental – Nil
 - c. Lessee - Responsible for all maintenance and capital works
 - d. Lessee - Responsible for all Council rates and charges
 - e. Lessee - Must comply with all Council resolved development consent conditions
2. Subject to agreement on the minimum conditions outlined in point one, Council authorises the General Manager to exhibit the proposed lease for public comment as required by the community land provisions of the Local Government Act.

The **Amendment** **LAPSED**.

The **Motion** was **CARRIED**, therefore it was

250811/ 23 RESOLVED

(Cr David Wright/Cr Susan Meehan)

1. That Council authorises the General Manager to commence negotiations on the lease for the proposed Aboriginal Child and Family Centre at Porter Park with the minimum lease conditions to include:
- a. Term - Maximum of 21 years
 - b. Rental – Nil
 - c. Lessee - Responsible for all maintenance and capital works
 - d. Lessee - Responsible for all Council rates and charges
 - e. Lessee - Must comply with all Council resolved development consent conditions

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2. Subject to agreement on the minimum conditions outlined in point one, Council authorises the General Manager to exhibit the proposed lease for public comment as required by the community land provisions of the Local Government Act.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr Smith, Cr Brown

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

11. Civil Services Group Reports

11.2 Local Traffic Committee - August 2011

250811/ 24 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council approve the removal of the Martin Street–Regatta Avenue bus stop and taxi rank and extend the 2 hour rear to kerb parking in Martin Street.
2. That Council approve the installation of a pedestrian refuge and the associated signage at the intersection of Main Street and The Avenue, Alstonville in accordance with the revised plan subject to the following:
 - Council advise the RTA of the proposed amendment to the commencement of the school zone.
 - Signage be upgraded to the contemporary standard.
 - With Council to take extra steps to stop parking in driveways.
3. That the Council approve the closure of River Street and Fawcett Street in accordance with the approved Traffic Control Plan in accordance with the following table.
 - Closure of River Street from 8.00am to 4.00pm Saturday 1 October 2011
 - Closure of River Street from 8.00am to 4.00pm Sunday 2 October 2011.
 - Closure of Fawcett Street from 8.00am to 1.00pm Monday 3 October 2011

and that the approval in point one be conditional on advertising of road closures at a minimum of one week prior to the event and the erection of signage also for the week prior to the event notifying the public of the proposed road changes for the event, and that the approval in point one be conditional of the Market layout facilitating vehicular access for emergency services in the closed section of River Street.

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4. That a new pedestrian vehicle count be undertaken and the warrant information be returned to the Committee for further consideration in relation to the pedestrian crossing at the intersection of Martin and Bentinck Streets.
5. That Council approve the closing of the northern end of Carney Place at the Pacific Highway.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

11.3 Policy (Review) - Liquid Trade Waste

250811/ 25 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council adopt the amended Liquid Trade Waste Policy as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

13. Notices of Motion

13.2 Notice of Motion - PCYC

250811/ 26 RESOLVED

(Cr Susan Meehan/Cr Robyn Hordern)

That Ballina Shire Council actively investigate and pursue an 'Expression of Interest' in securing a Police Citizens Youth Club for Ballina Shire.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

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13.3 Notice of Motion - McDonald and Clement Park

250811/ 27 RESOLVED

(Cr Susan Meehan/Cr Ben Smith)

1. That Council write to the relevant State Government Minister's expressing our desire to improve public accessibility to McDonald Park and Clement Park due to the historical circumstances that resulted in that land being provided to the Department of School Education.
2. If the State Government is not amenable to increased public accessibility, Council is to receive a report on any options available to pursue this issue, with this report to include a history on the ownership of this land.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

14. Advisory Committee Minutes

Nil items

15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

250811/ 28 RESOLVED

(Cr Phillip Silver /Cr Keith Johnson)

That Council notes the contents of the report on Mayoral meetings.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Commercial Waste

250811/ 29 RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That this matter be dealt with as a matter of urgency in the Confidential Session in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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and in accordance with 10D(2)(c), on balance, the discussion of the matter in open meeting is not considered to be in the public interest as discussions in open Council could prejudice any commercial negotiations taking place.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

17. Confidential Session

250811/ 30 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Commercial Waste

250811/001 RECOMMENDED

(Cr David Wright/Cr Keith Johnson)

1. That in respect to the tender for the sale of the commercial waste business Council notes that the original and sole tenderer has now amended their offer and this revised offer is inconsistent with the original tender specifications. Council notes therefore that effectively the tender offer has been withdrawn.
2. As a consequence of point one above, Council will not enter into a contract with the tenderer as a result of the tender that was accepted by Council and in accordance with the tender.
3. That in respect to the sale of this business Council resolves not to call fresh tenders due to concerns that the timeframe involved in calling tenders will result in a reduction in the value of the business offered for sale.
4. That Council authorises the General Manager to negotiate the sale of this business with the original tenderer based on terms and conditions that are of most benefit to Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/08/11 AT 9.00 AM**

CF250811/002 RECOMMENDED

(Cr Keith Johnson/Cr David Wright)

That the above item remain confidential until the contract is completed.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

17.1 Surf School Licences

CF250811/003 RECOMMENDED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council advise Summerland Surf School that due to there currently being legal action against Council in respect to the number of surf school licences issued, Council cannot issue any further licences until that action is resolved.
2. If Council is able to resolve the current legal action to our satisfaction and Council is able to obtain approval from our insurers that we are in a position to offer an additional licence, approval is given to the General Manager to issue that licence. The terms and conditions of that licence are to be the same as the existing licences, however the licence fee for all five licences is to be reset to \$2,700 (excluding GST) per annum, plus CPI.
3. If the advice from Council's insurers is that we are not in a position to issue any additional surf school licences, then Summerland Surf School are to be advised that new licences will not be offered until the licenses already issued expire, which is scheduled for January 2014.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

17.2 Land Purchase - Cumbalum

CF250811/004 RECOMMENDED

(Cr David Wright/Cr Susan Meehan)

1. That Council adopts Option One as outlined in this report and authorises the General Manager to release the funds as requested subject to the appropriate documentation being completed and executed.
2. The Council seal is authorised to be attached to all the contract and mortgage documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/08/11 AT 9.00 AM**

17.3 General Manager - Contract

CF250811/005 RECOMMENDED

(Cr Sharon Cadwallader /Cr Alan Brown)

That the course of action as outlined by the Mayor be approved and that the common seal of Council be affixed to the General Manager's contract of employment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Open Council

250811/ 31 RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Brown

(The Council moved into Open Council at 4.44 PM)

(All staff departed the Confidential Session for Item 17.3, and returned at 4.44 pm)

(Cr Brown left the meeting at 4.39 pm after consideration of Item 17.3)

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session.

Adoption of Recommendations from Confidential Session

250811/ 32 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That the recommendation(s) made whilst in Confidential Session, being Minute Numbers CF250811/001 to CF250811/005 inclusive, be adopted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Brown

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, BALLINA, ON
25/08/11 AT 9.00 AM**

16. Questions Without Notice

16.1 Cr Meehan - Graffiti

Cr Meehan – thanked the people involved for removing graffiti from electricity boxes outside the Ballina Community Services Centre.

16.2 Cr Meehan - Structure at Missingham Park

Cr Meehan – has concerns about the new “structure” being erected at Missingham Bridge.

The General Manager advised that Councillors will be updated via an item in the Cr Bulletin.

Cr Smith left the meeting at 04:49 PM.

16.3 Cr Hordern - Sale of Land, Tamarind Drive

Cr Hordern – enquired if the land in Tamarind Drive next to the BP Service station was still for sale.

The General Manager advised that the prospective purchaser is still trying to proceed with the purchase.

16.4 Cr Keith Johnson - 80kph speed zone sign

Cr Keith Johnson – advised that an 80 kph speed zone sign on the Bruxner Highway near the Uralba turnoff needs fixing.

This matter has already been reported to staff.

16.5 Cr Cadwallader - Lennox Head Boardwalk Naming

Cr Sharon Cadwallader – advised that she will be submitting a notice of motion to next meeting for the boardwalk at Lennox Head to be named the Brian Smith Boardwalk.

MEETING CLOSURE

4.53 pm

The Minutes of the Ordinary Meeting held on 25/08/11 were submitted for confirmation by council on 22 September 2011 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 22 September 2011.